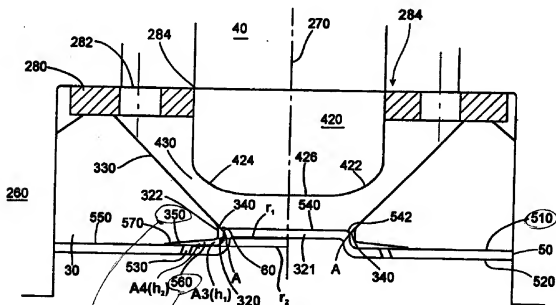


REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-15 are canceled and claims 16-22 are withdrawn from further consideration. Claims 23-27 are pending.

Claims 23-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Arndt et al. This rejection is respectfully traversed.

Claim 23 recites that the seat has a seat orifice and a first channel surface extending obliquely to the longitudinal axis. Thus, as shown in FIG. 2 of the specification presented below and as claimed, the first channel surface 350 of the seat together with the second channel surface 510 of the metering disc form a flow channel 560.

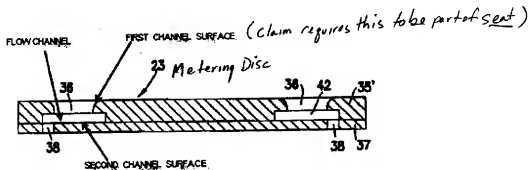


Flow channel 560
formed by first-channel
surface 350 of seat 30
and second channel surface 510
of metering disc 50

$$h_1 \cdot r_1 = h_2 \cdot r_2$$

FIG. 2

The Examiner contends that Arndt et al. shows "the seat (29) having a first channel surface" and then describes the first channel surface to be the "curved surface of 35" which is part of the metering disc 23 (and thus not of the seat 16, 29). See the marked up FIG. 21 of Arndt et al. below that shows the first channel surface as interpreted by the Examiner as part of the metering disc 23.



As noted above, the claims require that the first channel surface **be part of the seat** and together with a second channel surface of the metering disc provides a flow channel. This is not what is disclosed in Arndt et al. since there is no first channel surface extending obliquely to the longitudinal axis in the seat 16, 29. The metering disc 23 of Arndt et al. is a member separate from the seat 16, 29.

Thus, the rejection of claim 23 and the claims that depend therefrom should be withdrawn because it fails to demonstrate that the applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." *Studiengesellschaft Kohle mbH v. Dart Industries, Inc.*, 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), *aff'd*, 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

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All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Stemberger", written in a cursive style.

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Date: March 9, 2010

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